

**DIVISION CIRCULAR #16A**

**DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES**

**EFFECTIVE DATE:**           **October 16, 2007**

**DATE ISSUED:**             **October 16, 2007**

(Rescinds Division Circular #16A issued on March 4, 2005)

- I.     **TITLE:**           **Special Support Unit (SSU)**
  
- II.    **PURPOSE:** To establish guidelines for admission to, retention in and release from the Special Support Unit for Court adjudicated minor male juveniles with developmental disabilities at the North Jersey Developmental Center (NJDC).
  
- III.   **SCOPE:** This circular applies to all components of the Division.
  
- IV.   **POLICIES:**
  - A minor who has a developmental disability and is convicted of a criminal charge cannot be incarcerated. (2A:4A-44)
  - The individual must be required by the Court to attend the program at the SSU, as a condition of his probation.
  - Where the provisions of N.J.S.A. 30:4-27.10 (Megan's Law) apply, the SSU Director shall notify, the Chief Executive Officer (CEO), the Regional Administrative Practice Officer (APO) and the County Prosecutor.
  - While the individual is placed at the SSU, the assigned community services case manager shall remain actively involved in the placement

to assist in the individual's transition to a community setting when the probation ends or the individual can otherwise be served outside the SSU.

- If the individual will be over the age of 18 prior to the end of his sentence or probationary period, staff will notify the Director of the Moderate Security Unit (MSU) for possible admission into the MSU. The Director of the MSU and staff will evaluate the individual to determine if the individual is appropriate for placement in the MSU.

**V. GENERAL STANDARDS:**

- A. Definitions - For the purpose of this circular, the following terms shall have the meanings defined herein:

“Behavioral Contract” means a written agreement between the individual and the IDT members pertaining to specific behavioral expectations, rewards and consequences.

“Case management” means the linking and coordination of services across family agency and professional lines to develop and attain goals and objectives embodied in the Individual Habilitation Plan. It involves monitoring and advocating for the individual's needs with individual and family participation.

“Division” means the Division of Developmental Disabilities.

“Individualized education program” (IEP) means a written plan developed at a meeting according to N.J.A.C. 6A:14-2.3(i)2, which sets forth present levels of performance, measurable annual goals and short-term objectives or benchmarks and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives. This plan shall establish the rationale for the student's educational placement, serve as the basis for program implementation and comply with the mandates set forth in this chapter.

“Individual Habilitation Plan” (IHP) – refer to Division Circular 35-Service Plan.

“Juvenile Justice Commission” means the agency, which would place a juvenile in a suitable juvenile facility, rather than commit the

juvenile to an institution maintained by the Department of Corrections for the rehabilitation of delinquents.

“Moderate Security Unit” (MSU) means a specialized institutional treatment facility authorized and established by the Assistant Commissioner of the Division, within the Department of Human Services, which is: used as an alternative to detention in a correctional facility or as a residential requirement for probation; and characterized primarily by physical security for the confinement of males, 18 years of age or older, who are adjudicated to be dangerous to self, others or property and in need of a highly structured therapeutic treatment program.

"Residential Placement Committee (RPC)" means a group of NJDC staff (including but not limited to representatives from Social Services, Medical, Nursing, Psychology, Quality Assurance, Program Development, Administration, and Residential Services) who collectively review and determine if a referral to the SSU is appropriate for admission.

“Special Support Unit (SSU)” - means a 7-bed alternative therapeutic placement that houses Court adjudicated male minors with developmental disabilities who cannot be incarcerated.

- B. In order for the individual to be considered for admission to the SSU, the following criteria shall be met:
1. The individual shall be a male between the ages of 13 and 18;
  2. He must be determined eligible for the services of the Division in accordance with N.J.A.C.10:46 and be assigned to a Community Services’ Regional Office, case management.
  3. He must be of mild or moderate intellectual functioning and possess adequate communication skills to participate in counseling;
  4. He must be fully ambulatory;
  5. He must be required to attend the program at the SSU and to participate in an educational program as a condition of probation; and

6. There must be a vacancy in the program.
- C. The individual may remain at the SSU until his 18<sup>th</sup> birthday or completion of probation, whichever comes first. No individual may remain at the SSU after their 18<sup>th</sup> birthday.
- D. If the individual reaches his 18<sup>th</sup> birthday prior to the end of his sentence or probationary period and the individual has six months but no less than 90 days to complete their sentence or probationary period, the regional APO will arrange for the individual to go back to Court with a recommendation that he be transferred to the MSU to finish his sentence or terms of his probation.
- E. If there is no vacancy available at the MSU when needed, referrals shall be made by Community Services for placement of the individual out of the SSU.
- F. The SSU shall not accept individuals who have a severe psychiatric disorder or lack adequate communication skills to participate in individual or group counseling.
- G. Referrals may be made only by the Court or by the Juvenile Justice Commission (JJC). All referrals will be made through Community Services to the Regional Administrative Practice Officer.
- H. The provisions of the Memorandum of Understanding between the JJC and the Division shall be followed.

## **VI. PROCEDURES:**

### **A. Pre-Admission**

1. The Regional APO shall serve as liaison between the Court and the RPC.
2. The Community Services case manager shall serve as the liaison between NJDC and the individual, the legal guardian, and/or the family.
3. The RPC shall consider the request for admission and determine whether a date of admission can be scheduled. The RPC can hold a meeting or review the request by telephone conference.

4. If the individual is approved for admission to the SSU, the Regional APO shall advise the Court and request an Order or contact the JJC to arrange for a transfer, which will be accompanied with original Court documents. The date of the transfer shall be confirmed in writing.
5. The Regional APO shall advise the Division Director of all admissions.

**B. Admission**

1. Once admitted to SSU, the individual shall be placed on one-to-one supervision for 72 hours.
2. An IHP meeting shall be held within five (5) working days of admission.
3. The individual shall be required to sign a behavior contract at the IHP meeting.
4. The individual shall participate in a weekly review of his program.
5. A review of the IHP shall be held no later 30 days after admission.
6. The Community Services case manager shall attend the initial IHP meeting and shall conduct a site visit in no less than 90-day cycles and review individual progress and program participation with the SSU manager.
7. The IHP shall be reviewed as needed but no less than annually.

**C. Discharge**

1. When a Court, as a condition of probation, has ordered an individual to the SSU, that individual may be released when the time period of his probation is over.
2. If the individual is determined to be dangerous to self or others, the SSU Director shall notify the Regional Administrative Practice Officer within 180 days but no less

than 90 days prior to the end of the individual's probation to determine appropriate action.

3. Within 180 days where the individual has been convicted of a sex offense, the individual shall be evaluated for commitment under the Sexually Violent Predator law. Where the individual is under Megan's Law, the individual shall register with the law enforcement authorities in the municipality where he shall reside. Additionally, the SSU Director shall notify the Chief Executive Officer, Regional APO, Division Director and the County Prosecutor.
4. If the individual wishes to leave the SSU, staff shall advise the individual and the legal guardian, if any, that continued services may be requested from the Division after the individual's release from the SSU.
5. Within 180 days or no less than 90 days, if the individual and his legal guardian, if any, do not wish to remain at NJDC and requests continued services from the Division, staff of the SSU shall notify the Community Services case manager and provide a comprehensive referral package. The sending region shall be responsible to offer services.
6. If the individual and his legal guardian, if any, does not wish to remain in Division services, once the terms of the Court Order have been fulfilled, he shall be released from SSU and formally request discharge from Division services.
7. The sending region and the individual's legal guardian, if any, shall be notified of the individual's intentions concerning continued Division services and/or release.

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